

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:25-cv-01330-KK-SSC Date: August 25, 2025

Title Kevin Realworldfare, et al. v. Tamara Lucile Wagner, et al.

Present: The Honorable Stephanie S. Christensen, U.S. Magistrate Judge

Teagan Snyder
Deputy Clerk

n/a
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
None Present

Attorneys Present for Defendants:
None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause Why
Complaint Should Not Be Dismissed for
Failure to Serve**

On May 30, 2025, Plaintiffs Kevin Realworldfare and Corey Walker, appearing without legal representation, filed a 400-page complaint, including all exhibits and attachments, against Defendants Tamara Wagner, Kai Fan, and Does, alleging various federal and state law claims. (ECF 1.) A summons was issued the same day. (ECF 5.) Plaintiffs included a proof of service at pages 48–49 of their complaint indicating, in relevant part, that the summons was served on Defendants on May 29, 2025. (ECF 1 at 48–49.)

Defendants have not appeared in this action.

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Pursuant to Rule 4 of the Federal Rules of Civil Procedure, a defendant must be served with the summons and complaint no later than 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Absent a showing of good cause, if a defendant is not served timely, “the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.* Rule 4 also states that “[u]nless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server’s affidavit.” Fed. R. Civ. P. 4(l).

Further, under Local Rule 4-6 of this Court’s Local Civil Rules, Plaintiff was required to

file a proof of service within 14 days of service of the summons and complaint or receipt of a notice and acknowledgement of service. Failure to file a proof of service timely may result in the imposition of sanctions against the plaintiff, including but not limited to the dismissal of the defendant that was the subject of the proof of service.

Moreover, Local Rule 5-3.1.2 of this Court’s Local Civil Rules states that “[i]f the proof of service declaration is attached to the original document, it must be attached as the last page(s) of the document.”

Here,

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Plaintiffs imbedded their proof of service over 350 pages from the end of their complaint, in violation of Local Rule 5-3.1.2 of the Court's Local Civil Rules. Further, the proof of service indicates that the summons was served on Defendants on May 29, 2025, which is one day before the summons was issued on May 30, 2025. (ECF 5 at 1-2); *see also* (ECF 51) (Plaintiffs indicating that "[o]n May 30, 2025, lawful summonses issued to Defendants Wagner and Fan (DKT. 5)."). It is unclear how Plaintiffs served the summons on Defendants the day *before* it was issued by the Court. As such, it is not clear on the record before the Court that Plaintiffs have served the summons on Defendants as the applicable rules of civil procedure require.

Accordingly, Plaintiffs are **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to effectuate service. Plaintiffs shall respond to this order no later than **September 5, 2025**. Additionally, Plaintiffs shall strictly adhere to all applicable rules of civil procedure when filing documents with the Court.

Plaintiffs are cautioned that if they fail to file a timely response to the order as directed above, the action will be subject to dismissal without prejudice for failure to prosecute and obey Court orders pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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